IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 382 OF 2006

Shri Yakub Kasam Shaikh. ...Applicant
V/s.
The State of Maharashtra. ...Respondent

Mr.G.V. Bhagat for Applicant.
Mr.Rajesh More, APP for the State.

CORAM : V.M. KANADE, J.

DATED : FEBRUARY 6, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant is arrested in connection with an offence punishable under Section 489 Sub-clause (B) of the IPC which is registered with Badalapur Police Station. The applicant is the owner of a mill which carries out the activity of manufacturing the paper. It is alleged that his workers found certain bogus counterfeit notes in the garbage. It is alleged by the prosecution that three currency notes of Rs.50/- were found with the applicant which were fake currency notes.

2. Learned APP, on instructions, stated that some more currency notes were found in the garbage near the mill which is owned by the present applicant. It is submitted that the chargesheet is likely to be filed within 8-10 days and the investigation is almost over.

3. While taking into consideration the submissions made by the learned Counsel for the applicant and learned APP for the State, the Sessions Court rejected the application for bail on the ground that investigation was not yet over. However, it appears that now the investigation is almost over. Apart from that it is an admitted position that the counterfeit notes were found by the workers of the applicant near the garbage. In this view of the matter, the applicant, in my view, is entitled to be released on bail since there is no evidence to indicate that the applicant had knowledge about the possession of the counterfeit currency notes.

4. The applicant, therefore, be released on bail in the sum of Rs.10,000/- with one or two sureties in the

like amount. The applicant shall report to Badalapur Police station twice in a month. The application is disposed of in the above terms.

5. It is made clear that the trial Court shall not be influenced by any observations which are made by this Court while releasing the applicant on bail and may not treat the said observations as any expression on the merits of the case.

(V.M. KANANDE, J.)